

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

Case No.: 19-10998-BAH

Joseph P. Bova,

Chapter: 7

Debtor.

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**TRUSTEE'S MOTION FOR ORDER APPROVING SETTLEMENT AGREEMENT**

TIMOTHY P. SMITH, as trustee and representative of the bankruptcy estate of Joseph P. Bova ("Trustee"), by and through his undersigned counsel, and pursuant to FED. R. BANKR. P. 9019 and LBR 9019-1, hereby moves the Court to approve the Settlement Agreement attached hereto as Exhibit "A," between Trustee and Church of Scientology, and states:

1. Certain transfers made by Mr. Bova during 2018 to the Church of Scientology were made while he was insolvent, and are subject to claims for avoidance pursuant to 11 U.S.C. § 548 (2020), for the benefit of Mr. Bova's creditors.
2. Counsel for Trustee made written demand upon certain Church of Scientology entities to return the transfers, and thereafter Trustee and Church of Scientology agreed to the terms of the attached Settlement Agreement, whereby Church of Scientology will return 100% of the transfers for the benefit of the estate.
3. "Bankruptcy Rule 9019 establishes the discretionary power of a bankruptcy court to approve or disapprove compromises or settlements." *In re Pub. Serv. Co.*, 114 B.R. 820, 826 (Bankr. D.N.H. 1990). The Rule provides that "[o]n motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Notice shall be given to creditors, the United States trustee, the debtor . . . and to any other entity as the court may direct." FED. R. BANKR. P. 9019(a).
4. The Court should approve the Settlement Agreement as it will provide the Estate with is a complete recovery of the disputed transfers for the benefit of Mr. Bova's creditors, and the attendant complexities, risks, and difficulties in litigating, recovering, and collecting the claims will be entirely avoided. *See In re Isaacson Steel, Inc.*, 2013 BNH 12 ("Factors the court looks at in its decision whether to approve a settlement include: (1) the probability of success in the

litigation; (2) potential difficulties in collection; (3) the complexities of litigation; and (4) the paramount interest of creditors.”).

WHEREFORE, it is in the interest of justice that the Court enter an Order Approving the attached Settlement Agreement.

Dated July 10, 2020

**Ice Legal, P.A.**

Special Counsel for Trustee Timothy P. Smith

6586 Hypoluxo Road, Suite 350

Lake Worth, FL 33467

Telephone: (561) 729-0530

/s/ Ariane M. Ice

Ariane M. Ice BNH07697

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury that true copies of the foregoing Motion, together with the attached exhibit Settlement Agreement, and proposed Order, were served upon the following persons at the addresses indicated by electronic filing or by First Class Mail this 10th day of July 2020:

Electronically:

Marc W. McDonald on behalf of Debtor Joseph P. Bova  
ariane.ice@icelegal.com, icear87066@notify.bestcase.com

Office of the U.S. Trustee  
USTPRegion01.MR.ECF@usdoj.gov

Timothy P. Smith  
timothy.p.smith@myfairpoint.net, tpsmith@ecf.axosfs.com

Timothy P. Smith on behalf of Trustee Timothy P. Smith  
timothy.p.smith@myfairpoint.net, tpsmith@ecf.axosfs.com

Via First Class Mail

To all other interested parties on the attached service list - Matrix

Dated July 10, 2020

**Ice Legal, P.A.**  
Special Counsel for Trustee Timothy P. Smith  
6586 Hypoluxo Road, Suite 350  
Lake Worth, FL 33467  
Telephone: (561) 729-0530

/s/ Ariane M. Ice  
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